



Town and Country Planning Act 1962

1962 CHAPTER 38 10 and 11 Eliz 2

PART VII

COMPENSATION FOR OTHER PLANNING RESTRICTIONS

Revocation or modification of planning permission

120 Registration and apportionment of compensation for depreciation

- (1) Where compensation becomes payable under the preceding provisions of this Part of this Act, and includes compensation for depreciation of an amount exceeding twenty pounds, the local planning authority shall (if it appears to them to be practicable to do so) apportion the amount of the compensation for depreciation between different parts of the land to which the claim for that compensation relates, and give particulars of any such apportionment to the claimant and to every other person (if any) entitled to an interest in land which appears to the authority to be substantially affected by the apportionment.
- (2) In carrying out an apportionment under the preceding subsection, the local planning authority shall divide the land into parts, and shall distribute the compensation for depreciation between those parts, according to the way in which different parts of the land appear to the authority to be differently affected by the order in consequence of which the compensation is payable.
- (3) Subsection (2) of section one hundred and ten of this Act, and any regulations made by virtue thereof, shall have effect with respect to any such apportionment (subject to any necessary modifications) as they have effect with respect to an apportionment under subsection (1) of section one hundred and twelve of this Act.
- (4) On a reference to the Lands Tribunal by virtue of the last preceding subsection, subsections (1) and (2) of this section, so far as they relate to the making of an apportionment, shall apply with the substitution, for references to the local planning authority, of references to the Lands Tribunal.

*Status: This is the original version (as it was originally enacted). This
item of legislation is currently only available in its original format.*

- (5) Where compensation becomes payable under the preceding provisions of this Part of this Act, and includes compensation for depreciation exceeding twenty pounds, the local planning authority shall give notice thereof to the Minister, specifying the amount of the compensation for depreciation and any apportionment thereof under this section; and subsections (4) to (6) of section one hundred and twelve of this Act shall have effect with respect thereto as they have effect with respect to compensation under Part VI of this Act, subject, however, to any necessary modifications, and, in particular, with the substitution—
- (a) for references to the compensation mentioned in that section, of references to the compensation for depreciation specified in the notice, and
 - (b) for references to the planning decision, of references to the order under section twenty-seven of this Act in consequence of which the compensation is payable.
- (6) In this and the next following section “compensation for depreciation” means so much of any compensation payable under the preceding provisions of this Part of this Act as is payable in respect of loss or damage consisting of depreciation of the value of an interest in land, and “interest” (where the reference is to an interest in land) means the fee simple or a tenancy of the land and does not include any other interest therein.